Outlook

PETITION FOR RULEMAKING AMENDMENT UNDER GOVERNMENT CODE SECTION 11340.6

From James Zabel <jimzabel3@gmail.com>
Date Sat 8/1/2026 3:59 PM
To ARB Clerk of the Board <cotb@arb.ca.gov>

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8/1/2026

California Air Resources Board (CARB)
Attn: Legal Office / Clerk of the Board
P.O. Box 2815
Sacramento, CA 95812

RE: PETITION FOR RULEMAKING AMENDMENT UNDER GOVERNMENT CODE SECTION 11340.6

Subject: Amendment of California Smog Check OBD-II Testing Regulations For Non-Emissions Diagnostic Trouble Codes

To the Clerk of the Board and CARB Members,

Pursuant to California Government Code Section 11340.6, I am submitting this formal petition requesting an amendment to the California Air Resources Board's (CARB) On-Board Diagnostic (OBD-II) system and Smog Check testing rules. Specifically, I request that CARB amend the current regulations to eliminate the policy that requires an automatic Smog Check failure for an illuminated check engine light when the underlying Diagnostic Trouble Code (DTC) is unrelated to vehicle emissions.

1. SUBSTANCE OF THE PROPOSED CHANGE

The current Smog Check implementation enforces an automatic failure if a vehicle's On-Board Diagnostic system illuminates the Malfunction Indicator Light (MIL/Check Engine Light), regardless of the code's nature. I propose amending this rule to state:

"A vehicle shall not fail the California Smog Check inspection solely due to an illuminated Malfunction Indicator Light, *IF* the stored diagnostic trouble codes (DTCs) are verified by the testing equipment to be purely auxiliary, safety, or convenience-related parameters that have no direct or measurable impact on tailpipe or evaporative vehicle emissions."

2. RATIONALE AND REASONS FOR THE REQUEST

The current rule places an undue, unfair, and disproportionate financial burden on California motorists without providing any matching environmental or air quality benefits.

Many modern vehicles illuminate the check engine light for non-emission issues, such as faulty active grill shutters, transmission temperature sensors, ambient air temperature sensors, or internal instrument cluster faults.

Forcing a vehicle owner to spend hundreds or thousands of dollars to fix non-emission components just to clear a dashboard light creates severe economic hardship, particularly for low-income drivers who rely on their vehicles for daily commuting.

Because these specific malfunctions do not increase vehicle emissions or degrade the performance of the catalytic converter or oxygen sensors, the automatic failure rule fails to advance the core legislative intent of California's clean air initiatives.

3. AUTHORITY OF THE AGENCY

CARB possesses the explicit statutory authority to adopt, amend, and repeal regulations concerning vehicle emission standards, diagnostic system requirements, and Smog Check test parameters under the California Health and Safety Code, including Sections 39600, 39601, and 44013.

Pursuant to California Government Code Section 11340.7, I look forward to receiving the agency's formal, written response within 30 days of receipt regarding whether this petition is granted or denied.

Sincerely,
James Zabel